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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,932	03/26/2001	Dominique Coster	P617710US0	6117

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Supervisor, Patent Prosecution Services
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EXAMINER

BOLDEN, ELIZABETH A

ART UNIT	PAPER NUMBER
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1755

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant No.

09/744,932

Applicant(s)

COSTER ET AL.

Examiner

Elizabeth A. Bolden

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-22, 28, 29, 32-36 and 38-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-22, 28, 29, 32-36 and 38-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Any rejections and or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-22, 28, 29, 32-36, 38, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seto et al. European Patent Application EP 825,156 A1.

Seto et al. teach a turquoise blue and deep green soda-lime-glass that contains a total iron content of between 1.2 and 2.2 weight % and 0.001 to 0.03 wt % CoO, 0 to 0.0008 wt % Se, and 0-0.2 wt % NiO. See abstract of Seto et al. Seto et al. teach a FeO/TFe₂O₃ ratio of the glass as being between 10 and 40 weight %. See page 4, lines 9-16. By this limitation Seto et al. would have a converted FeO content of between 0.13-0.8 wt%. Seto et al. teach ranges of properties, which overlap the optical property limitations of claims 20-22, 28, 29, 32-36, 38, 40, and 41. See page 4, line 55 to page 5, line 9, and page 5, lines 32-35.

Therefore, Seto et al. teach compositional and property ranges, which ranges overlap the compositional ranges of claims 20, 28, 29, 32-36, 40, and 41. See abstract, page 3, lines 15-19, page 4, lines 44-49, page 4, line 55 to page 5, line 9, and page 5, lines 32-35. Overlapping

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ranges have been held to establish *prima facie* obviousness. MPEP 2144.05. Page 6, lines 13-15 teaches that the Seto et al. compositions are used for automotive windows as recited in claims 40-41.

Seto et al. fails to teach any examples or compositional ranges that are sufficiently specific to anticipate the compositional and optical property limitations of claims 20-22, 28, 29, 32-36, 38, and 40-42. Seto et al. does not teach the selectivity, TLC5, and TUV4 of the glass as recited in claims 20-22, 32, and 38.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected from the overlapping portion of the ranges disclosed by the reference because overlapping ranges have been held to establish *prima facie* obviousness. See MPEP 2144.05.

One of ordinary skill in the art would expect that a glass with overlapping compositional ranges would have the properties recited in claims 20-22, 32, and 38

Claims 39 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seto et al., European Patent Publication EP 825,156 A1 in view of Goodman et al., U.S. Patent 5,087,525.

As shown above, the composition of Seto et al. renders obvious claims 20-22, 28, 29, 32-36, 38, 40, and 41 under 35 U.S.C. 103(a).

The reference differs from claim 39 and 42 by not specifically teaching a metal oxide coating or using the glass as a laminated glazing.

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Goodman et al. teach coated glasses for vehicles, which consist of a glass substrate, a coating of titanium nitride, a coating of a silicon complex and a coating of a metal oxide. See column 1, lines 55-62.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a glass sheet of Seto et al. as suggested by Goodman et al., because the laminated glass window would have improved insulating capabilities and lower visible reflection. See column 2, lines 32-41 of Goodman et al.

Claims 20-22, 28, 29, 32-36, 38, and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelestak et al., U.S. Patent 6,413,893.

Shelestak et al. disclose a green soda-lime-silica glasses containing iron oxide in a total amount of 0.6 to 4 weight %, 0.13 to 0.9 wt% of FeO, and other colorants such as chromium oxide, selenium, titanium oxide, cobalt oxide, and vanadium oxide. See abstract of Shelestak et al. and column 18 lines 36-49.

Shelestak et al. disclose a composition whose ranges overlap the compositional limitations of claims 20-36, 38, and 40-42. See abstract, column 18 lines 36-49, and column 18, lines 59 -67. Overlapping ranges have been held to establish *prima facie* obviousness. MPEP 2144.05.

Shelestak et al. fail to disclose the property of instant claim 38. The composition of Shelestak et al. has overlapping ranges of components with the claimed glass; therefore, one of ordinary skill in the art would expect that the glass of Shelestak et al. would have the claimed properties.

Shelestak et al. differs from the present claims by failing to disclose specific examples having a TUV transmission of less than 8 %, as recited in claim 20.

However, the reference teaches that titanium oxide, vanadium oxide or other materials listed can be added to reduce the ultra violet transmission of the glass. See column 3, lines 36-39 and column 18, lines 41-49 and 59-67.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have increased the vanadium oxide content of the examples of Shelestak et al. as suggested by Shelestak et al. because the resultant glass would have a decreased TUV.

Column 18, lines 31-40 teaches that Shelestak et al. compositions are used for vehicle glazing with sheet thickness of 1.8-5 mm. It further teaches that the glass sheets can be used in multiple plies and laminated together. This meets the limitations of claims 40-42.

Response to Arguments

Applicants' arguments filed 10 December 2002 have been fully considered but they are not persuasive.

The Applicants argue that Seto et al., EP 825 156 A1, does not disclose a FeO content but rather the FeO content converted to Fe₂O₃. The examiner agrees with this argument and has recalculated the range of FeO to reflect the conversion method as stated by the Applicant on page 2 and 3 of the Amendment. See above 35 USC 103(a) rejection over Seto et al. above.

Applicants argue that the rejection under 35 USC 103(a) as obvious based on Seto et al., EP 825 156 A1, in view of Goodman, U.S. 5,087,525 is improper based on the Applicants

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arguments with respect to Seto et al. The Examiner has addressed the issue pertaining to the FeO content and has withdrawn the 35 USC 102(b) anticipation rejection and has rejected claims 20-22, 28, 29, 32-36, 38, 40, and 41 as obvious under 35 U.S.C. 103(a) over Seto et al. See above. In view of the above, the Examiner maintains the rejection under 35 USC 103(a) as obvious based on Seto et al., EP 825 156 A1, in view of Goodman, U.S. 5,087,525.

The Applicants argue that Shelestak et al., U.S. 6,412,893, is not prior art since the Examiner has not demonstrated that the subject matter relied upon in the rejection was from the original application, 08/869,221 filed 4 June 1997. The Examiner has included a copy of the 08/869,221 original application and a marked up copy of the '893 patent showing the differences. Added matter and changes are noted in the margins of the '893 patent. The Examiner maintains the 35 USC 103(a) rejection over claims 20-22, 28, 29, 32-36, 38, and 40-42. No new matter from the '893 patent was relied upon in making this rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Bolden whose telephone number is 703-305-0124. The examiner can normally be reached on 8:30am to 6:00 pm with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on 703-308-3823. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

EAB
February 19, 2003


DAVID SAMPLE
PRIMARY EXAMINER